

KANEAL FARRISH Case 5:11-cv-01438-LHK Document 60 Filed 03/27/12 Page 1 of 14
SALINAS VALLEY STATE PRISON
P.O. BOX 1050
SOLEDAD, CALIFORNIA 93960
IN PRO SE:

Filed

MAR 27 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KANEAL FARRISH,
Plaintiff,

v.

A. SOLIS, ET AL.,
Defendants.

CASE NO. C 11-1438-LHK (PR)
Honorable Lucy H. Koh

MOTION AND REQUEST TO DENY
DEFENDANTS' MOTION FOR SUMMARY
JUDGEMENT AS A MATTER OF LAW;
OR IN THE ALTERNATIVE, STAY OF
SUMMARY JUDGEMENT PROCEEDINGS
PENDING DISCOVERY; MEMORANDUM OF
POINTS AND AUTHORITIES AND
DECLARATION OF KANEAL FARRISH IN
SUPPORT THEREOF

To THE Honorable LUCY H. KOH, UNITED STATES
District Judge, and to the DEFENDANTS':

PURSUANT TO RULE 56(F) OF THE FEDERAL RULES OF
CIVIL PROCEDURE (FED. R. CIV. PROL.), PLAINTIFF
KANEAL FARRISH HEREBY MOVE THE COURT TO DENY
DENY DEFENDANTS' MOTION FOR SUMMARY JUDGEMENT
WITHOUT PREJUDICE, AS A MATTER OF LAW, OR IN THE
ALTERNATIVE, STAY DEFENDANTS' SUMMARY JUDGEMENT
MOTION UNTIL COMPLETION OF DISCOVERY IN THIS
MATTER.

1 Plaintiff's request will be based on this
2 notice, memorandum of points and authorities,
3 declaration of Kabel Parish, and all the
4 papers and records on file in this matter as
5 follows:

6 MEMORANDUM OF POINTS AND AUTHORITIES

7 I. Introduction

8 Following the Court's May 23, 2011, order for
9 service of summons and complaint on the
10 defendants, about December 5, 2011,
11 defendants' moved for immediate summary
12 judgement based on grounds which plaintiff
13 contend are erroneous and without merit.

14 II. Defendants' motion for summary judgement
15 is premature and must be denied as a
16 matter of law

17 In Jones v. Bland, 393 F.3d 518 (9th Cir.
18 2004), the Ninth Circuit held that summary
19 judgement was improperly granted on a
20 plaintiff's strip search claim without allowing
21 discovery concerning defendants' search
22 policies. In a long line of cases Court's
23 have held that a district court should not
24 grant summary judgement against a party who
25 has not had an opportunity to pursue
26 discovery or whose discovery requests have

1 not been answered. INGLE v. YEITON, 439 F.3d
 2 151, 156 (4th Cir. 2006) (denial of Rule 56(f)
 3 motion is "particularly inappropriate when...
 4 'the materials sought are the object of
 5 outstanding discovery'" (citations omitted));
 6 LEIGH v. WARNER Bros. Inc., 212 F.3d 1210, 1219
 7 (11th Cir. 2000) (summary judgement is generally
 8 inappropriate when the party opposing the motion
 9 has been unable to obtain responses to his
 10 discovery requests); LA BOUNTY v. LAUGHLIN, 173
 11 F.2d 68, 71-72 (2nd Cir. 1998); SALAHUDDEEN v.
 12 LAUGHLIN, 993 F.2d 306, 309-10 (2nd Cir. 1993);
 13 KINGELE v. EICKENBERGER, 849 F.2d 405, 412-13 (9th
 14 Cir. 1988); HUMAN v. BUGADO, 374 F. Supp. 2d 893
 15 900-01 (D. Haw. 2005) (where plaintiff had no
 16 evidence to support his municipal liability claims,
 17 but had made a discovery request for the
 18 defendant officers' disciplinary and complaint
 19 records, court denied summary judgement
 20 pending compliance with the discovery requests).

21 HERE, plaintiff has not been allowed to
 22 conduct discovery because the court has not
 23 set a discovery schedule due to defendants'
 24 premature summary judgement motion. Thus, as
 25 matter of law, plaintiff urges the court to
 26 grant the instant request in the interest
 27 of justice.

III. CRITICAL FACTS TO BE UNCOVERED WHICH ARE ESSENTIAL TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGEMENT

4 IN ACCORDANCE WITH TERRELL V. BREWER, 935
5 F.2d 1015, 1018 (9TH CIR. 1991), and JULIAN V.
6 LARSEN, 132 F.3d 1234, 1238 (8TH CIR. 1997),
7 PLAINTIFF HEREBY DEMONSTRATE NEEDED FACTS TO
8 BE DISCOVERED IN ORDER TO OPPOSE DEFENDANTS'
9 MOTION FOR SUMMARY JUDGEMENT, AS SUCH FACTS
10 ARE RELEVANT AND CRITICAL BECAUSE THEY RELATE TO
11 THE SUBJECT MATTER OF THIS LAWSUIT WHICH
12 INCLUDES THE CLAIM AND DEFENSE TO PARTIES IN
13 THIS ACTION.

14 Plaintiff ALLEGE that DEFENDANT'S SOLIS,
15 HEDRICK, and MUNIZ RATIFY INSIDIOUS AND
16 DEFICIENT POLICIES WHICH AUTHORIZE AND PERMIT
17 SUBORDINATES, including DEFENDANT'S SALAZAR,
18 F. MAUCHULA, POWELL, A. MAUCHULA, and SANUDO
19 TO CARRY ON A PRACTICE AND TRADITION OF GREEN
20 WALL PRISON GUARD GANG ACTIVITY WHICH IS THE
21 moving FORCE BEHIND THE CONSTITUTIONAL
22 VIOLATIONS BEING CHALLENGED BY THIS LAWSUIT.

22 VIOLATIONS SET FORTH
23 EVIDENCE OF DISCIPLINARY AND COMPLAINT RECORDS
24 ARE THUS, CRITICAL IN ESTABLISHING SUPERVISORY
25 LIABILITY, AS SUCH CAN ONLY BE DISCOVERED BY
26 DISCOVERY REQUESTS. (SEE DECLARATION OF KAHEA
27 PARISH).

1 Additionally, Plaintiff SEEK TO UNCOVER INMATE,
 2 STAFF, AND CITIZEN'S COMPLAINTS WHICH WOULD
 3 SHOW THAT DEFENDANT SUBORDINATES ENGAGED IN
 4 A PATTERN OF VIOLATIONS OF CALIFORNIA PENAL CODE
 5 SECTIONS 2650 THROUGH 2652, SPECIFICALLY AGAINST
 6 PLAINTIFF, AND VARIOUS OTHER INMATE PARTICIPANTS
 7 IN THE MENTAL HEALTH SERVICES DELIVERY SYSTEM
 8 (MHSDS), CONFINED TO ADMINISTRATIVE
 9 SEGREGATION (AD-SEG), AND THAT SUPERVISORY
 10 DEFENDANT'S KNEW OF YET DISREGARDED THESE
 11 PRACTICES.

12 THERE IS ALSO EVIDENCE THAT DEFENDANT R.
 13 MACHULIA IS INFAMOUS FOR THREATENING AND
 14 INTIMIDATION OF OTHER MHSDS INMATES, AS WELL
 15 AS AUTHORIZING DEFENDANT POWELL TO IMPOSE
 16 EXCESSIVE FORCE ON OTHER MHSDS INMATES WHO
 17 REPORT FEELINGS OF, OR ACTS, OF SUICIDAL TEND.

18 SPECIFICALLY, MHSDS INMATE VALENTINE # K-
 19 90476, IS SAID TO HAVE EXPERIENCED SUICIDAL
 20 TEND, AND AFTER BEING SECURED IN HANDCUFFS
 21 AND REMOVED FROM CELL QUARTERS BY DEFENDANT
 22 POWELL, INMATE VALENTINE INITIATED A GRIEVANCE
 23 AT LOG # SVSP-L-10-02951, ALLEGING THAT
 24 DEFENDANT POWELL FORCEFULLY SLAMMED HIS FACE
 25 INTO A SHOWER WALL WHILE IN THE PRESENCE OF
 26 DEFENDANT MUNIZ. HOWEVER, AN INFAMOUS CODE
 27 OF SILENCE HAS THWARTED EXPOSURE OF THIS

1 EVENT, including mHS&S inmate VALENTINE
 2 claim of DEFENDANT POWELL maliciously
 3 destroying his PERSONAL PROPERTY CONSISTENT
 4 with habits and practices of GREEN WALL PRISON
 5 GUARD GANG MEMBERS. (SEE DECLARATION OF
 6 KAHEAL PARRISH).

7 Plaintiff ALLEGE being SUBJECTED to
 8 THREATS and intimidation by DEFENDANT R.
 9 MACHULKA prior to the claim of EXCESSIVE FORCE
 10 WHILE DEFENDANT R. MACHULKA HAS SUBMITTED A
 11 DECLARATION DENYING SUCH ACTS HOWEVER, UPON
 12 INFORMATION AND BELIEF, MHS&S inmate DANTE #
 13 V-36182, ALLEGE THAT AFTER BEING IDENTIFIED AS
 14 A WITNESS TO MISCONDUCT IMPOSED BY ONE OF
 15 DEFENDANT MACHULKA'S SUBORDINATES, DEFENDANT
 16 SUMMONED inmate DANTE TO HIS OFFICE AND
 17 AUTHORIZED VARIOUS SUBORDINATES TO IMPOSE
 18 INTIMIDATION THEREBY SURROUNDING inmate DANTE
 19 WITH AN AGGRESSIVE TENDR WHILE DEFENDANT R.
 20 MACHULKA OMINOUSLY DEMANDED inmate DANTE TO
 21 CHANGE HIS STATEMENT. SUBSEQUENTLY, inmate
 22 DANTE TELEVISION WAS VANDALIZED during
 23 DEFENDANT MACHULKA'S WATCH, CONSISTENT WITH
 24 GREEN WALL PRISON GUARD GANG ACTIVITY. (SEE
 25 DECLARATION OF KAHEAL PARRISH).

26 DEFENDANT R. MACHULKA HAS ALSO DENIED
 27 HEARING RACIAL SLURS DIRECTED TOWARDS PLAINTIFF
 28

1 during the time EXCESSIVE FORCE WAS IMPOSED.
2 MHS&S inmate Williams #V-34099, ALLEGE HE WAS
3 REFERRED TO AS AN "ignorant nigger" BY A
4 CORRECTIONAL LIEUTENANT WHILE IN THE IMMEDIATE
5 PRESENCE OF DEFENDANT R. MACHULA, AND FILED A
6 GRIEVANCE TO SUCH FAULT AT LOG# SVSP-L-11-00887
7 HOWEVER, AS WITH PLAINTIFF, DEFENDANT R.
8 MACHULA PURPORTED NOT TO HAVE HEARD ANY SUCH
9 RACIAL SLURS IN A MANNER CONSISTENT WITH THE
10 INFAMOUS CODE OF SILENCE. (SEE DECLARATION OF
11 KAHEAL PARISH).

12 EVIDENCE OF SIMILAR OR PRIOR ACTS AS THOSE
13 ALLEGED IN PLAINTIFF'S VERIFIED COMPLAINT ARE
14 ADMISSABLE UNDER FEDERAL RULES OF EVIDENCE
15 401, AND THEREFORE, SHOULD BE ALLOWED THROUGH
16 DISCOVERY REQUESTS. FURTHERMORE, BECAUSE OF
17 THE STRENuous SECURITY SYSTEM WITHIN THE PRISON
18 RECOGNIZED BY LABATT V. TWOMEY, 513 F.2d 641,
19 650 (7TH CIR. 1975), PLAINTIFF HAS BEEN UNABLE TO
20 OBTAIN NECESSARY DECLARATIONS FROM ALL THE
21 BEFOREMENTIONED MHS&S INMATES. (SEE
22 DECLARATION OF KAHEAL PARISH).

23 PLAINTIFF TOO ALLEGE THAT SUPERVISORY DEFENDANT'S
24 NAMED IN THIS ACTION PERMIT DEFENDANT SALAZAR TO
25 CONDUCT COUNTERFEIT INVESTIGATIONS, SPECIFICALLY
26 TO CONCEAL DEFENDANT'S SOLIS, HEDRICK, AND
27 MUNIZ DEFICIENT POLICIES CHALLENGED BY THIS

1 lawsuit by pursuing allegations of constitutional
 2 violations made by MHSB inmates, including
 3 plaintiff, in a manner intended to avoid finding
 4 wrongdoing on the part of prison officials as
 5 found by Madrid v. Gomez, (n. d. Cal. 1995), 889
 6 F. Supp. 1146, as this practice is the moving force
 7 behind the constitutional violations raised in
 8 this lawsuit. BECAUSE it is well established by
 9 Maria v. Adams, 855 F.2d 639, 640 (9th Cir. 1988)
 10 that prisoners have no constitutional right to
 11 an effective grievable system, plaintiff does
 12 not make a claim against defendant's, or
 13 defendant SALAZAR based on improper
 14 handling of grievable review however, plaintiff
 15 does seek to identify a pattern and practice
 16 of state law violation which serves to protect
 17 and conceal supervisory defendant's
 18 insidious policies challenge in this action, for
 19 despite the well established law and fact
 20 that California Code of Regulations (CCR, Title
 21 15) section 3320(h), explicitly states in part
 22 that "STAFF who observed, reported,
 23 classified, supplied supplemental reports to, or
 24 investigated the alleged rules violation, or for
 25 any other reason have a predetermined belief
 26 of the inmates' guilt or innocence shall not
 27 hear the charges or be present during

1. DELIBERATIONS TO DETERMINE GUILT OR
2. INNOCENCE AND DISPOSITION OF THE CHARGES."
3. DEFENDANT SALAZAR HAS BEEN PERMITTED TO
4. DEFY THIS REGULATION CONTINUOUSLY IN ORDER TO
5. PROTECT AND PRESERVE SUPERVISORY DEFENDANT'S
6. DEFICIENT POLICIES CHALLENGED BY THIS LAWSUIT.

7. DEFENDANT SALAZAR SUBMITTED A DECLARATION
8. ADMITTING HIS APPROVAL OF EVENTS GIVING RISE TO
9. THIS ACTION ON THE SAME DAY OF INCIDENT,
10. THEREFORE ON ABOUT OCTOBER 7, 2010, WHEN
11. DEFENDANT "INVESTIGATED" PLAINTIFF'S
12. GRIEVANCE ON THIS SAME ISSUE, A PREDETERMINED
13. BELIEF HAD ALREADY FORMED BECAUSE AS
14. DEFENDANT SALAZAR ALREADY STATED IN HIS
15. DECLARATION, "PRISON OFFICIALS ALTED
16. APPROPRIATELY," AND BECAUSE CCR.TITLE 15 §
17. 3084.5(E) PROHIBITS APPEAL ISSUES FROM BEING
18. REVIEWED BY "A STAFF PERSON WHO
19. PARTICIPATED IN THE EVENT OR DECISION BEING
20. APPEALED," DEFENDANT SALAZAR'S "INVESTIGATION"
21. IS BARRED BY THE DOCTRINE OF UNCLEAN HANDS
22. REQUIRING APPROPRIATE INVESTIGATION RECOGNIZED
23. BY VALANDINGHAM V. BOLBORGUEZ, 866 F.2d
24. 1135 (L.A. 9 ARIZ. 1989) BY DISCOVERY REQUESTS.

25. MHSDS INMATE J. GREGORY # L-89228, ALSO
26. ALLEGES THAT ON THE DAY FOLLOWING BEING SUSPECTED
27. TO EXCESSIVE FORCE, DEFENDANT SALAZAR

1 INVESTIGATED THEREBY video interview, then
 2 THEREAFTER WAS ALLOWED TO HEAR THE CHARGES
 3 MADE BY PRISON OFFICIALS SPECIFICALLY TO AVOID
 4 FINDING WRONG DOINGS AS DECIDED BY MADRID
 5 V. GOMEZ, SUPRA. DISCOVERY IS REQUIRED TO
 6 DEVELOP THE RECORD FURTHER ON THIS ISSUE AS
 7 WELL BECAUSE EVIDENCE OF SIMILAR OR PRIOR ACTS
 8 AS ALLEGED IN PLAINTIFF'S VERIFIED COMPLAINT
 9 ARE ADMISSIBLE UNDER FEDERAL RULES OF
 10 EVIDENCE 401.

11 LASTLY, DEFENDANT R. MACHUCA HAS
 12 DECLARED UNDER PENALTY OF PERJURY IN HIS
 13 DECLARATION FILED WITH THE COURT AND BASED
 14 A DEFENSE ON THE GENUINE FEAR FOR
 15 PLAINTIFF'S SAFETY AS MEANS FOR EMERGENCY
 16 ENTRY OF PLAINTIFF'S CELL CONTRARY TO THE USE
 17 OF FORCE AND CELL EXTRACTION POLICIES OFFERED
 18 BY DEFENDANT MUNIZ. HOWEVER, THIS ASSERTION
 19 IS CONTRADICTED BY DEFENDANT POWELL RULES
 20 VIOLATION REPORT (RVR) CHARGING PLAINTIFF WITH
 21 "OBSTRUCTING A PEACE OFFICER IN PERFORMANCE
 22 OF DUTIES" BECAUSE UNDER STATE LAW, IT IS
 23 WELL ESTABLISHED THAT MHSDS INMATES CANNOT
 24 BE SUBJECT TO DISCIPLINE FOR SUICIDAL ACTS
 25 AND BEHAVIOR UNLESS IT IS DETERMINED THAT THE
 26 SUICIDAL ACT OR BEHAVIOR WAS DONE FOR
 27 MANIPULATIVE PURPOSES. DEFENDANTS' CANNOT BE

1 ALLOWED TO DISCIPLINE PLAINTIFF FOR SUICIDAL
 2 ACT AND BEHAVIOR WITHIN THE PRISON IN A MANNER
 3 WHICH SUGGEST OR IMPLY THAT THE ACT ITSELF WAS
 4 NOT GENUINE, BUT ARGUE IN COURT IN DEFENSE TO A
 5 LAWSUIT THAT THEY HAD A GENUINE FEAR FOR
 6 PLAINTIFF'S SAFETY BASED ON THE SAME SUICIDAL
 7 ACT AND BEHAVIOR. THIS ISSUE ALSO REQUIRES
 8 DEVELOPMENT BY DISCOVERY BEFORE PLAINTIFF CAN
 9 BEGIN TO OPPOSE DEFENDANTS' SUMMARY
 10 JUDGEMENT MOTION. (SEE DECLARATION OF KAHEAL
 11 PARRISH).

12 IV. Conclusion

13 BASED ON THE ABOVE, PLAINTIFF CONTENTS THAT
 14 THE COURT SHOULD GRANT THE INSTANT MOTION
 15 WHICH IS SUFFICIENT TO RESIST DEFENDANTS'
 16 MOTION FOR SUMMARY JUDGEMENT PENDING THE
 17 OUTCOME OF DISCOVERY. CALIF. EX. RE). CAL DEPT
 18 OF TOXIC SUBSTANCES CONTROL V. CAMPBELL, 138
 19 F.3D 772 779 (9TH CIR. 1998).

20 Declaration of Plaintiff Kaheal Parrish

21 1. I AM THE PLAINTIFF IN THIS ACTION ACTING IN
 22 PRO SE WITHOUT THE PROFESSIONAL ASSISTANCE OF
 23 COUNSEL AND IF CALLED AS A WITNESS TO THE
 24 FOLLOWING FACTS WHICH ARE OF MY OWN PERSONAL
 25 KNOWLEDGE I COULD AND WOULD COMPETENTLY
 26 TESTIFY THERETO.

1 (2) IN ORDER TO OPPOSE DEFENDANT'S SUMMARY
2 JUDGEMENT motion, I NEED OBTAIN EVIDENCE IN
3 THE FORM OF DISCIPLINARY AND COMPLAINT RECORDS,
4 STAFF, INMATE, AND CITIZEN'S COMPLAINTS RELEVANT
5 TO THE SUBJECT MATTER OF THIS LAWSUIT, USE OF
6 FORCE COMMITTEE RECORDS, INTERROGATORIES,
7 DECLARATIONS FROM REFERENCED MHSDS
8 INMATES, COPIES OF GRIEVANCES FILED BY
9 REFERENCED MHSDS INMATES, AND DOCUMENTS
10 RELATIVE TO ADDITIONAL TRAINING AND CORRECTIVE
11 ACTION TAKEN AGAINST ANY DEFENDANT TO THIS
12 LAWSUIT WHICH CAN ONLY BE OBTAINED THROUGH
13 DISCOVERY. BECAUSE OF PRISON SECURITY, I HAVE
14 NOT BEEN ABLE TO GATHER DECLARATIONS FROM
15 MANY OF THE REFERENCED MHSDS INMATES HERE
16 AT SALINAS VALLEY STATE PRISON (SVSP).

17 (3) DEFENDANT'S F. MAUCHULA, G. POWELL, A.
18 MAUCHULA, AND SANUDO USE UNNECESSARY AND
19 EXCESSIVE FORCE ON ME ON THE ORDER AND
20 INSTRUCTION OF DEFENDANT F. MAUCHULA TO CARRY
21 OUT A PREVIOUS THREAT, AND THE ONLY WAY TO PROVE
22 THIS FACT IS THROUGH DISCOVERY REQUESTS ON
23 DEFENDANTS.

24 (4) DEFENDANT'S SOLIS, HEDRICK, AND MUNIZ
25 TURN A BLIND EYE AND DEAF EAR TOWARDS YEARS
26 OF CONSTITUTIONAL VIOLATIONS AS ALLEGED BY
27 PLAINTIFF, IMPOSED AGAINST MHSDS AND SVSP INMATES

1 MERE AT SVSP, AND THEREFORE KNEW, OR SHOULD HAVE
2 KNOWN, THAT A WELL ORGANIZED COVER UP OF ABUSE
3 AND MISTREATMENT WAS OCCURRING AT THE HANDS OF
4 DEFENDANT SALAZAR; HOWEVER, SUCH FACTS CAN
5 ONLY BE DISCLOSED THROUGH DISCOVERY REQUESTS
6 SERVED ON DEFENDANTS.

7 (5) DEFENDANTS' IMMEDIATE MOTION FOR SUMMARY
8 JUDGEMENT IS AN EFFORT TO RESIST DISCLOSURE OF
9 DOCUMENTS WHICH WOULD PROVE PLAINTIFF'S CASE.

10 I DECLARE UNDER THE PENALTY OF PERJURY UNDER
11 THE LAWS OF THE STATE OF CALIFORNIA THAT THE
12 FOLLOWING IS TRUE AND CORRECT THIS 14TH DAY OF
13 FEBRUARY 2012, AT SOLEDAD, CALIFORNIA.

14
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18 *KJ P*

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 KANEKI PARRISH - DECLARENT
20 PLAINTIFF/ IN PRO SE:
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STATE OF CALIFORNIA
COUNTY OF MONTEREY

(C.C.P. SEC. 401 & 2013.5, 281, 284, SEC. 1746)

I, K. Parrish, declare under penalty of perjury that I am the Plaintiff in the above entitled action. I have read the foregoing documents and know the content thereof and the same is true of my own knowledge except as it relates to the content of the foregoing documents and belief as to those matters. I believe they are true stated therein upon information and belief, and as to those matters, I believe they are true.

Executed this 14 day of FEBRUARY, 2012 at Salinas Valley State Prison, Soledad, California 93960-1050.

(Signature) K. Parrish
DECLARANT/PETITIONER

PROOF OF SERVICE BY MAIL
(C.C.P. SEC. 2013.5, 281, 284, SEC. 1746)

I, K. Parrish, am a resident of California State Prison, in the County of Monterey, State of California; I am over the age of eighteen (18) years and am not a party of the above entitled action. My state prison address is: P.O. Box 1050, Soledad, California 93960-1050.

MOTION AND REQUEST TO DENY DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AS A MATTER OF LAW OR IN THE ALTERNATIVE, STAY OF SUMMARY JUDGMENT PROCEEDINGS PENDING DISCOVERY; MEMORANDUM OF POINTS AND AUTHORITIES AND
(Set forth exact title of document(s) served)

DECLARATION OF KAHEAL PARRISH IN SUPPORT THEREOF

On FEBRUARY 14, 2012, I served the foregoing MOTION AND REQUEST TO DENY DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AS A MATTER OF LAW OR IN THE ALTERNATIVE, STAY OF SUMMARY JUDGMENT PROCEEDINGS PENDING DISCOVERY; MEMORANDUM OF POINTS AND AUTHORITIES AND (Set forth exact title of document(s) served)

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIF
HONORABLE LUCY H. KAH
280 S. FRANCIS ST.
SAN JOSE, CALIF 95113

U.S. DEPARTMENT OF JUSTICE
OFFICE OF ATTORNEY GENERAL
BRENDAN M. KENNY, DEPUTY AS
455 GOLDEN GATE AVE #1100
SAN FRANCISCO, CA 94102

(List parties served)

There is delivery service by United States Mail at the place so addressed and/or there is regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

3-14-12-012

K. Parrish